

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Pulliam v. County of Fort Bend, Texas, et al.

Case No. 4:22-cv-4210

EXHIBIT 13

Travis James

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 JUSTIN PULLIAM,
5 Plaintiff,
6 v. Civil Action No. 4:22-cv-4210
7 COUNTY OF FORT BEND, TEXAS;
8 SHERIFF ERIC FAGAN, in his
9 Individual capacity; OFFICER ROBERT
10 HARTFIELD, in his individual capacity;
11 OFFICER JONATHAN GARCIA, in his
12 Individual capacity; OFFICER TAYLOR
13 ROLLINS, in his individual capacity;
14 And OFFICER RICKY RODRIGUEZ, in
15 His individual capacity,
16 Defendants.

17 ORAL DEPOSITION
18 OF
19 DETECTIVE TRAVIS JAMES
20

21 Taken via remote videoconference
22

23 August 30, 2023 9:05 a.m.
24
25

Travis James

1 APPEARANCES:

2 FOR PLAINTIFFS (all via Zoom):

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7 FOR DEFENDANTS:

8 Kevin Hedges
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12

13 ALSO PRESENT: Molly Hanis

14 REPORTED BY: Sarah B. Townsley, CSR, CRR, RPR

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Travis James

1 STIPULATIONS

2 IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL FOR
3 THE PARTIES HEREIN THAT THE ORAL DEPOSITION OF DETECTIVE
4 TRAVIS JAMES WAS TAKEN BEFORE SARAH B. TOWNSLEY, CRR,
5 CCR, CSR, RPR, CERTIFIED REALTIME REPORTER IN AND FOR
6 THE STATES OF TEXAS AND LOUISIANA, PURSUANT TO NOTICE
7 AND IN ACCORDANCE WITH THE FEDERAL RULES OF CIVIL
8 PROCEDURE AS PROVIDED BY LAW, VIA REMOTE
9 VIDEOCONFERENCE, ON AUGUST 30, 2023, AT 9:05 A.M.;

10 THE PARTIES HEREBY WAIVE ALL FORMALITIES IN
11 CONNECTION WITH THE TAKING OF THE DEPOSITION, WITH THE
12 EXCEPTION OF THE SWEARING OF THE WITNESS AND THE
13 REDUCTION OF THE QUESTIONS AND ANSWERS TO TYPEWRITING;

14 THE RIGHT OF THE WITNESS TO READ AND SIGN A COMPLETED
15 TRANSCRIPT OF TESTIMONY IS SPECIFICALLY RESERVED;

16 COUNSEL FOR ALL PARTIES RESERVE ALL OBJECTIONS EXCEPT
17 AS TO THE FORM OF THE QUESTION AND RESPONSIVENESS OF THE
18 ANSWER AT THE TIME OF TAKING OF SAID DEPOSITION, AND
19 THEY ALSO RESERVE THE RIGHT TO MAKE OBJECTIONS AT THE
20 TIME THAT TAKING OF SAID DEPOSITION OF ANY PART THEREOF
21 MAY BE OFFERED INTO EVIDENCE, WITH THE SAME RIGHTS AS IF
22 THE TESTIMONY HAD BEEN GIVEN IN OPEN COURT;

23 SARAH B. TOWNSLEY, CCR, CSR, RPR, OFFICIATED IN
24 ADMINISTERING THE OATH TO THE WITNESS.

25

1 A. Well, for clarity, from 2006 to 2010, I was a
2 jailer, and then from 2010 to March '21, I was a patrol
3 deputy, yes, sir.

4 Q. I see. And did you go to the Fort Bend County
5 police academy? I think it's called Gus George. I
6 can't quite remember what it's called.

7 A. No, sir.

8 Q. Where did you attend your training?

9 A. I went to Wharton County Junior College, their
10 basic academy.

11 Q. Are you still a detective in the criminal
12 investigation division's robbery and homicide section?

13 A. Yes, sir.

14 Q. And have you been a detective in that section
15 since you started as a detective?

16 A. Yes, sir.

17 Q. And is most of your time spent on major crimes
18 like robberies and homicides?

19 A. I investigate everything from homicides and
20 robberies to misdemeanor assaults, and aggravated
21 assaults and major crimes, such as threats to schools
22 and -- yeah, threats to schools; pretty much, that's it.

23 Q. How often do you investigate class B
24 misdemeanors, like the one we have here about
25 interfering with public duties?

1 A. I wouldn't say very often.

2 Q. Okay. And when you're doing an investigation,
3 as I said before, basically, my knowledge is, like,
4 whatever I've seen on TV and in the movies, and I'm
5 sure, obviously, an investigation is more involved, but
6 what's the basic approach to investigating? Like, how
7 do you decide when you've talked to enough people, that
8 kind of thing?

9 A. My investigations -- I speak from my
10 experience -- I usually start by either reading an
11 offense report or if I've been called out a scene,
12 meeting with the deputy or an officer, figuring out
13 what they did on the scene, figuring out if they've
14 talked to any witnesses, any suspects, victims, and,
15 from there, I'll figure out who do I need to talk to,
16 what evidence do I need to obtain, such as video
17 evidence, crime scene evidence, which is not really
18 here, but stuff like that, and then move forward from
19 there.

20 Q. And we'll dig into a little bit more detail
21 later, but I know, reading the incident report, that in
22 April of 2022, you presented this case, after your
23 investigation, to the district attorney. Do you recall
24 that?

25 A. In April '22? Yes.

1 Q. Yes. Okay, so is it exclusively detectives who
2 present their investigations to the district attorney to
3 proceed, or do patrol deputies also do that?

4 A. Patrol deputies can present cases; however, if a
5 specific patrol deputy takes a report, say, on an
6 arrest, it will go to a -- I guess an intake deputy, and
7 they will then file that case.

8 Q. I see, so it's not the case -- it's not usually
9 the situation where the arresting officer is the one who
10 fully completes the investigation and then presents the
11 case?

12 A. I'm sorry, could you repeat that?

13 Q. Sure. Sorry if it's confusing. What I meant to
14 say is that if a patrol deputy makes an arrest, it's
15 not usually the situation where the arresting officer
16 will then do the complete investigation him or herself,
17 and present it directly to the ADA; is that right?

18 A. I would say that was -- that is correct.

19 Q. Okay. So was there anything unusual fact that a
20 homicide detective -- a major crimes detective was
21 investigating this class B misdemeanor that Justin
22 Pulliam was accused of?

23 A. Maybe a little unusual.

24 Q. How did you come to be -- how did you come to be
25 assigned to investigate this?

1 or, like -- it could be dash cam videos, it could be
2 Justin's videos, any video evidence you recall reviewing
3 at any point.

4 A. I reviewed Mr. Pulliam's video once I obtained
5 it.

6 Q. And did you -- I've listened to -- sorry, I've
7 listened to Deputy Rodriguez's dash cam. I don't think
8 he had video of the incident on his dash cam, but there
9 was a little bit of noise off to the side, and you
10 could kind of hear what was going on. Did you look at
11 Deputy Rodriguez's dash cam at all?

12 A. Briefly.

13 Q. And who was the person who assigned you the
14 Justin Pulliam case in December of 2021?

15 A. Lieutenant Scott Heinemeyer.

16 Q. And do you know -- is it just, like, the cases
17 are dished out at random, or did he assign it to you
18 because you had this past history of investigating Edwin
19 Kraft?

20 A. So, typically, the cases are just out of kind of
21 at random; however, in this instance, he was walking
22 down the hall, I happened to be kind of standing in the
23 hall, and he was looking for somebody to kind of work
24 on this, and when he explained it to me, I said, "Well,
25 I've worked on the Edwin Kraft incident. I'll go ahead

1 take this on, as well."

2 Q. And I know, in the incident report, you spoke to
3 a couple of people within the sheriff's office, and you
4 spoke to the TXANA people, and we'll get into some of
5 those details, but did you speak with other people that
6 you recall who were neither TXANA nor part of the
7 sheriff's office?

8 A. No, sir.

9 Q. Did you try to speak with Justin Pulliam,
10 himself, as part of your investigation?

11 A. No, sir.

12 Q. Do you -- would you normally, in the course of
13 investigations, actually try to arrange a talk with the
14 -- the criminal suspect?

15 A. Yes, sir, I would; however, in this instance, my
16 understanding, when he was arrested, he didn't wish to
17 provide a statement or anything like that, so I was
18 like, okay, if you don't want to give us a statement,
19 fine.

20 Q. So if Justin had spoken to the sheriff and the
21 other folks who were with him after the arrest indicated
22 a willingness to do so, you might have talked to Mr.
23 Pulliam; is that correct?

24 A. That is correct, yes, sir.

25 Q. But you just thought, "Oh, well, he's going to

1 Q. And if you take a look at the -- at the
2 narrative, it says, "On this date, I, Detective Travis
3 James, presented this case to the Fort Bend County
4 district attorney's office." What does it mean that
5 you "presented" it to the district attorney's office?

6 A. So "presented", basically what that means is
7 I've taken all available evidence that I have known to
8 me at the time, assembled it into what we call a case
9 packet, and taken it over to the district attorney's to
10 their intake, and given it to them so that they may
11 begin their work on it.

12 Q. And when you present it, is your investigation
13 over at this point?

14 A. Considering I'm in CID, not necessarily.

15 Q. Okay. And what does the fact that you're in CID
16 have to do with whether the investigation is over once
17 you present the evidence?

18 A. So sometimes evidence will come back -- such as
19 DNA evidence, crime scene evidence, that would come
20 back after the case has been presented, potentially, so
21 then you would supplement the case, present that
22 supplement to the district attorney's office as a
23 follow-up.

24 Q. And so -- but your pre -- when you presented the
25 case to the district attorney on April 13th, you had

1 concluded, based on your investigation, that probable
2 cause existed that a crime had been committed, so
3 you're recommending to the D.A. to move forward; is that
4 correct?

5 A. I'm not recommending that the D.A. move forward.
6 I'm just presenting the case as it is at that moment.

7 Q. I see. And it's the D.A.'s independent judgment
8 about whether to move forward that decides whether the
9 case gets prosecuted; is that right?

10 A. Correct.

11 Q. But setting aside the recommendation, when you
12 presented the case on Wednesday, April 13th, you had
13 concluded that probable cause existed that Justin had
14 committed crime, after reviewing all of the evidence,
15 clueing the evidence from his cameras; is that correct?

16 A. Are you asking my personal beliefs, or --

17 Q. Yeah.

18 A. Yes.

19 Q. Okay. If you -- if you did an investigation and
20 you believed that probable cause didn't exist, would you
21 say so in your presentation to the D.A.?

22 A. Yeah. Yes, sir.

23 Q. So -- it seems obvious. Like, if you don't
24 think a crime's been committed, you don't recommend that
25 -- you don't give it to the D.A. and say, "Here's the

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1 evidence"; you would tell them, "I don't think a crime
2 was committed."

3 A. Correct.

4 Q. And, obviously, you didn't have just tin's
5 videos when you did your original search warrant
6 affidavit because that was the point, but I think we've
7 established that once you got those, you reviewed those
8 before you presented the case to the district attorney;
9 that's correct, right?

10 A. Correct.

11 Q. Okay.

12 MR. ROWES: And actually, Molly, can
13 you just go to page 17 of Exhibit No. 4, please? You
14 can go ahead and stop there, actually.

15 BY MR. ROWES:

16 Q. Do you see that you sort of have a time-stamped
17 narrative of the SD card video; do you see that in the
18 middle of the page?

19 A. Yes, sir.

20 Q. And is this the narrative that you made based on
21 watching the video from Justin's camera, of the arrest
22 that Sergeant Rollins made?

23 A. Yes.

24 MR. ROWES: Molly, can you scroll
25 down to the bottom of this time-stamped narrative of

1 escalates the situation, maybe, if you have a civilian
2 mental health worker, that sort of helps diffuse it; is
3 that right?

4 A. Potentially, yes.

5 Q. Potentially? Yeah. Okay, and so when Justin
6 turns around and starts walking away, at that point,
7 Sergeant Rollins has still ordered all three people
8 across the street, right?

9 A. Correct.

10 Q. And then the TXANA person -- actually, Molly,
11 why don't we play from about 4:25 to 4:40, and we can
12 see the TXANA employees start talking to Sergeant
13 Rollins, and then Justin starts to turn around with his
14 camera.

15 [Video was played.]

16 Q. Okay, so, at this point in the video, Justin is
17 walking backwards now, because he wants to document the
18 conversation with TXANA, apparently, and you saw that
19 the TXANA civilians were talking to Sergeant Rollins,
20 correct?

21 A. Yes.

22 Q. And did you -- did you hear -- so they announce
23 that they're from TXANA and was the purpose of that,
24 based on your personal judgment, that they were trying
25 to explain to Sergeant Rollins why their presence might

1 be permissible, and they shouldn't go across the
2 street?

3 A. Yes.

4 Q. Did the TXANA employees commit interference when
5 they explained to Sergeant Rollins why they didn't
6 think that they should have to go across the street?

7 A. No.

8 Q. And then Sergeant Rollins, in fact, rescinded
9 his order to go across the street with respect to them,
10 right? They were allowed to stay?

11 A. Correct.

12 Q. And we discussed earlier, but we didn't get into
13 it. You mentioned that, at some point in your
14 investigation between January 14th when the search
15 warrants went in, and April 13th when you presented the
16 case to the ADA, you spoke to the TXANA employees; is
17 that right?

18 A. Yes, sir.

19 Q. Did you speak to both of them, or just one?

20 A. Both of them.

21 Q. Okay. And you know, just kind of in broad brush
22 strokes, kind of what was the gist of what they told
23 you?

24 A. So, from my understanding, they were called to
25 the residence of Edwin Kraft, who was experiencing

1 actually, and we didn't ask the other officers about
2 this, but it occurs to me, I've heard of -- a criminal
3 defense attorney told me that interference with public
4 duties is also known among criminal defense lawyers,
5 and maybe among the police, as "contempt of cop." Have
6 you ever heard that expression, "contempt of cop"
7 before?

8 A. Yes.

9 Q. And what does that mean to you, or, like, when
10 you hear "contempt of cop", what do you think that that
11 means?

12 A. It means that -- to me, that law enforcement has
13 become upset at somebody who maybe is doing something
14 or saying something to law enforcement that is upsetting
15 to them, and they will take them to jail.

16 Q. I see. And did you consider the possibility
17 that there was the kind of contempt of cop dynamic
18 going on, because Justin had said that insulting
19 phrase, "So you can shoot him", that kind of thing?
20 Had you considered that possibility in investigating
21 this?

22 A. Yes.

23 Q. And how -- so, obviously, you moved ahead and
24 made the presentation that you did to the ADA. How did
25 you conclude that this was not maybe a contempt of cop

1 situation, but was, in fact, a legitimate arrest for
2 interference?

3 A. Just based off my -- I've known Sergeant Rollins
4 for years. I also know that his interaction with
5 individuals is usually very calm and professional, just
6 like I am.

7 Q. And, for the record, I know he's Lieutenant
8 Rollins now. I'm just using "Sergeant Rollins" because
9 it seems easiest because that's what it says in all the
10 documents about the case.

11 A. Correct.

12 MR. ROWES: Can we go, Molly, please, to
13 Exhibit No. 4, and that's the offense report, on page
14 10.

15 Q. We're almost finished, by the way. You can take
16 a break at any time you want, but we're almost finished
17 so maybe we can just, like, push through. I'll take a
18 break in a few minutes when I'm finished talking about
19 this, and decide if I'm actually finished.

20 MR. ROWES: Can you just move it up a
21 little bit, Molly? I'm sorry, the -- move it -- so not
22 the Fort Bend County -- get rid of the Fort Bend County
23 Sheriff stuff so we can see more of the -- there we go.

24 Q. I was just hoping you could walk through some
25 things, here, that I don't completely understand, since

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1 REPORTER CERTIFICATION

2 ORAL DEPOSITION of TRAVIS JAMES, taken on August
3 30, 2023.

4 I, Sarah B. Townsley, CCR, RPR, CSR, hereby certify
5 to the following:

6 That the witness, TRAVIS JAMES, was duly sworn by me,
7 and that the transcript of the deposition is a true
8 record of the testimony given by the witness;

9 That examination and signature of the witness to the
10 deposition transcript was reserved by the witness at the
11 time of the deposition;

12 I further certify that I am neither counsel for,
13 related to, nor employed by any of the parties in the
14 action in which this proceeding was taken, and, further,
15 that I am not financially or otherwise interested in the
16 outcome of this action.

17 Certified by me on this 19th day of September, 2023.

18

19



20

Sarah B. Townsley CRR CCR CSR RPR

21

Certified Realtime Reporter

22

TX CSR #5746; LA CCR #92016; RPR 814558

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